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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,300	06/25/2003	Ramon Tam	0212.67133	3228

7590 01/31/2006

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/603,300	Applicant(s) TAM ET AL.	
	Examiner Hwei-Siu C. Payer	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,11-13,19,20 and 22-29 is/are rejected.
- 7) ☒ Claim(s) 3-6,9,10,14-18 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/14/05</u> | 6) <input type="checkbox"/> Other: ____ |

Detailed Action

To ensure proper consideration of the Skill Instruction Manual mentioned on page 2 of the Petition to Made Special filed on 6-28-2004, Applicant is requested to provide a copy of this document in response to this Office action.

Drawings Objection

The drawings are objected to because the line and numerals are not uniformly thick and well defined (poor line quality).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims Rejection - 35 U.S.C. 112, first paragraph

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 22-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

(1) In claim 22, lines 8-9, "a selector mechanism including a swivel bracket mechanism" has no support from the original specification.

(2) In claim 28, lines 10-11, "said selector mechanism having a rocker member" has no support from the specification as originally filed.

(3) In claim 29, lines 8-9, "said mechanism being configured to exert a force to an attached blade" has no support from the original specification.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 22, lines 8-9 are misleading. As the disclosed invention is understood, the selector mechanism (164,174) does not include a swivel bracket mechanism (82) as now claimed. It is suggested "and including" at line 9 of the claim be deleted.

(2) In claim 28, lines 10-11 are misleading. As the disclosed invention is understood, the selector mechanism (164,174) does not have a rocker member (102) as now claimed. It is suggested "said selector mechanism having" be changed to --and---.

(3) In claim 29, lines 8-9 are misleading. As the disclosed invention is understood, it is the rocker member (102) not the drive mechanism that exerts a force to an attached blade during orbital operation.

Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 8, 11-13, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton, II (U.S. Patent No. 4,238,884).

Walton, II discloses a reciprocating cutting tool comprising a housing (12); a power source (10); a main linkage (44) including an elongate plunger (72) operated by a scotch yoke mechanism (see column 2, line 57); a blade (86); a foot plate (24); a swivel bracket (94,96) indirectly connected to the foot plate (24) and including a portion (132) configured for operating in a see-saw motion; a swivel linkage (118) including a reciprocating pusher (136) driven by main linkage (44); a bottom bushing (100); a spherical bearing (68) and a track (70) having concave surfaces as claimed.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-24, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann (U.S. Patent No. 4,545,123) in view of Walton, II (U.S. Patent No. 4,238,884).

Hartmann's electric jigsaw comprises a housing (12), a power source (i.e. motor, see Fig.1), a main linkage (74,80,84,92,98,100), a plunger (24), a foot plate (see Fig.1), and a selector mechanism (110) including a transverse orbit pin (116) and a scroll lock

arm (44) substantially as claimed except for it lacks a rocker member selectively positioned for exerting a force to a rear edge of the blade.

Walton, II shows a jigsaw comprising a swivel bracket (84,96) selectively positioned for exerting a force to a rear edge of a saw blade (86).

It would have been obvious to one skilled in the art to modify Hartmann by providing the jigsaw with a force exerting swivel bracket to facilitate controlling the orbital movement of the saw blade as taught by Walton, II.

Indication of Allowable Subject Matter

1. Claims 3-6, 9, 10, 14-18 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 25-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

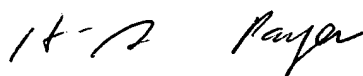
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer
January 18, 2006

A handwritten signature in black ink, appearing to read "H Payer", with a stylized flourish at the end.

H Payer
Primary Examiner